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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>		Docket Number (Optional) 4348-000119/DVA
<p>First named inventor: Wnek Application Number: 09/871,324 Filed: May 31, 2001 Title: ANTI-SLIDE SPLICE WELDER</p> <p>Group Art Unit: 1725 Examiner: Jonathan J. Johnson</p> <p>Attention: Office of Petitions Assistant Commissioner for Patents Box DAC Washington, D.C. 20231</p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"><li>(1) Petition fee;</li><li>(2) Reply and/or issue fee;</li><li>(3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and</li><li>(4) Adequate showing of the cause of unavoidable delay</li></ol> <p>1. Petition fee</p> <p><input type="checkbox"/> small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> other than small entity - fee \$ <u>130</u> (37 CFR 1.17(l)).</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of <u>an amendment under 37 C.F.R. 1.111</u> (identify the type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____.</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee of \$ _____</p> <p><input type="checkbox"/> has been paid previously on _____</p> <p><input type="checkbox"/> is enclosed herewith.</p>		

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02 FC:1461110.00 OP  
20.00 OP

12/24/2002 AKELLEY 00000014 080750 09871324

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Nov. 19, 2002

Date

Ryan W. Massey

Signature

Telephone

Number: ( 248 ) 641-1600

Ryan W. Massey, Reg. No. 38,543

Typed or printed name

Harness, Dickey & Pierce, P.L.C.

Address

P.O. Box 828, Bloomfield Hills, MI 48303

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐ \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.
- ☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Ryan W. Massey

\_\_\_\_\_  
Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY  
UNDER 37 CFR 1.137(a)**

Nov. 19, 2002  
Date

Ryan W. Massey  
Signature

Ryan W. Massey

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

The above application was prepared and filed by the law firm of St. Onge, Steward, Johnston & Reens, LLC on May 31, 2001. On December 11, 2001, Examiner Johnson called the St. Onge firm and wanted an election of species in which species I was elected with traverse. According to U.S. Patent and Trademark Office records, an Office Action was mailed on January 15, 2002 confirming the election of species and rejecting all of the elected claims under 35 U.S.C. § 102(b).

In March 2002, the application file was transferred to the law firm of Harness, Dickey & Pierce, P.L.C. for prosecution before the USPTO. The St. Onge firm represented that all the documentation received from the USPTO was within the file that was forwarded to Harness, Dickey & Pierce, P.L.C. Upon receipt of the above application, Harness, Dickey & Pierce, P.L.C., as is its standard practice, audited the file contents and docketed all outstanding matters related to the application. According to the docketing records of Harness, Dickey & Pierce, P.L.C., no Office Action was present in the application file (see the attached Affidavit of Coralynn S. Williams, the Docketing Supervisor at Harness, Dickey & Pierce, P.L.C.). In addition, upon review of the file wrapper received from the St. Onge firm, no Office Action had been logged as received in the application by the St. Onge firm.

Therefore, in view of the lack of receipt of the Office Action dated January 15, 2002, by either the St. Onge firm or Harness, Dickey & Pierce, P.L.C., the cause of the delay in filing a required reply was UNAVOIDABLE.

IF, FOR SOME REASON, THIS PETITION IS NOT GRANTED, APPLICANT REQUESTS THAT THIS PETITION BE CONSIDERED A PETITION UNDER 37 C.F.R. § 1.137(b) FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED APPLICATION. IF THIS IS CONSIDERED A PETITION UNDER 37 C.F.R. § 1.137(b), AUTHORIZATION IS GIVEN TO CHARGE THE FEES RELATED TO AN UNINTENTIONALLY ABANDONED APPLICATION (1.17(m)) TO DEPOSIT ACCOUNT NO. 08-0750.

*(Please attach additional sheets if additional space is necessary)*